

Slovak Republic

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PART 1 – NATIONAL FRAMEWORK

Overview

National social dialogue	Principal Level of Collective Bargaining	Industry and enterprise
	Workplace Representation	Union and works council
	Board-level Representation	yes (state-owned and (part of) private enterprises)
National worker representation	<p>There are national-level or cross-sectoral collective agreements in the country. Provisions agreed in collective agreements are legally binding for contracting parties. Employees can be represented by trade unions and works councils or employee trustees. The main employee representative bodies at the workplace are trade unions, which are entitled to carry out collective bargaining. There is a trend to decentralise collective bargaining to the local, enterprise level and to reduce the role of sectoral multi-employer collective agreements. Last years have produced major changes in legislation favouring works councils over workplace trade union organisations. Both can exist in the same workplace and powers are divided between them. Works councils are not entitled to take part in collective bargaining. They can conclude some agreements with the management in enterprises where no trade union organisation operates. Relatively new legislation, which came into force in September 2007, has readjusted the responsibilities of the two bodies – this time in favour of the workplace union organisation. Details about the operation of trade unions and their cooperation with the management are usually agreed in collective agreements. There are no labour courts established in the country. In the event that collective labour conflicts are not settled by mediation and arbitration procedures, civil courts decide on the cases. Individual labour disputes can be dealt with only by the civil courts.</p>	
Principal legal documents on H&S	The Labour Code, the Occupational Safety and Health Protection Act, the Labour Inspection Act, and the Law on the protection and promotion of public health.	
Public authorities on H&S	<p>The Ministry of Labour, Social Affairs and Family (MPSVR SR) is the main authority for the creation of legislation governing institutions in the area of OSH. The Ministry of health is involved in legislation concerning health & safety of employees.</p> <p>The National Labour Inspectorate (NIP) and 8 regional Labour Inspectorates are the main eligible bodies to control the implementation of labour legislation. Their services play an essential role in workers' health and safety.</p> <p>Public Health Authority of the Slovak Republic and its regional offices are supervisory bodies concerning the health protection of employees.</p>	
Employers' obligations on H&S	<p>Employers are obliged to implement measures in the interest of protecting the lives and health of employees at work. Hence, they need to permanently secure the occupational health and safety, and to take the necessary measures including securing prevention, necessary funds and appropriate system of labour protection management.</p> <p>An employer is obliged to carry out a risk assessment, to improve the level of labour protection in all activities and to accommodate the level of labour protection to changing circumstances. He is obliged to appoint professionals (internal or external) for the provision of preventive and protective services, defined as safety technical service and occupational health service.</p> <p>Employers are accountable by virtue of the Labour Code Act for damages sustained by an employee due to occupational accident or disease. Occupational diseases are diseases as listed in legal regulations on social security (List of Occupational Diseases).</p> <p>Employers are obliged to enable trade union body, works council or works trustee to operate at workplaces. The employer needs to jointly co-operate with employees or employees' representatives for occupational health and safety and trade union organisations in the planning and execution of measures in the area of labour protection.</p>	

Worker representative bodies on H&S	Employees' representatives are the competent trade union body, works council or works trustee. Employers have the legal obligation to designate workers´ H&S Reps (employees' representative for occupational health and safety). These representatives can be proposed for designation (by trade union when present at enterprise) or elected by colleagues (if trade union is not present).				
	An employees' representative for occupational health and safety is specified by a special regulation. He/she is the employees' representative for occupational health and safety. They jointly co-operate with the employer in the planning and execution of measures in the area of labour protection. In general, there is one employee safety representative per 50 employees.				
	In undertakings as from 100 employees, a commission for safety and health protection at work must be established as the employers' advisory body, comprising employee safety representatives and employer's representatives.				
	The safety technical service and occupational health service established by the employer also cooperates with the employee safety representatives.				
Organisation of the social dialogue on H&S issues within the country	Actors involved		Their role	Scope of influence	
	The Ministry of Labour, Social Affairs and Family of the Slovak Republic (MPSVaR SR)		Inform, consult, negotiate, decide. Creation of legislation governing institutions in the area of OSH.	National	
	The Ministry of Healthcare of the Slovak Republic (MZ SR)		Inform, consult, negotiate, decide. Formation of legislation concerning the protection of the health and safety of employees	National	
	Federation of Employers´ Associations of the Slovak Republic (AZZZ SR)		Negotiate, consult	Sectorial	
	National Union of Employers (RÚZ)		Negotiate, consult	Sectorial	
	Club 500		Negotiate, consult	Sectoral	
	Confederation of Trade Unions of the Slovak Republic (KOZ SR)		Negotiate, consult	National	
	State Labour Inspectorate (NIP)		Control	National	
	Economic and Social Council (HSR)		national tripartite social dialogue platform	National	
Specialized H&S bodies on regional, sectorial or another level	Name		Setup conditions	Composition	Role and functions
	Association of Trade Union H&S Inspectors		Under legal provision	Members are designated by TU Federations.	Carry out Union H&S inspection. Support trade union policy in the field of H&S.

PART 2 – ENTERPRISE LEVEL: ORGANISATION OF SOCIAL DIALOGUE AND WORKERS' PARTICIPATION ON H&S AT WORK

General organisation and role on H&S issues	<p>Two levels of representation on H&S can be identified: the employee safety representatives and the Commission for Safety and Health Protection at Work (H&S Committee).</p> <ul style="list-style-type: none"> The employee safety representative is entitled for inspection at the workplace, for discussion on all H&S issues, for submitting proposals and complaints, for participation on investigation on work related accidents and illnesses, for consultation with official supervisory authorities. The H&S committee is a joint committee of workers and employer representatives. The main role is to evaluate H&S situation in enterprise, to discuss on all H&S issues, to give proposals for provisions and improvements.
Interaction of H&S representation with the general representation of workers	<p>Trade union bodies participate in matters of labour-law relations, including collective bargaining. Works council or works trustee participate in labour-law relations. When trade unions are present at enterprise, they have a stronger position in the field of H&S (collective bargaining, possibility to stop danger work, right for inspection, proposals for workers' H&S reps designation). Usually, the trade union ensures its position in H&S issues through collective labour agreement.</p> <p>The Works Council has only a right for consultation and general entitlements as workers' H&S representatives. Works Councils do not have the right for collective</p>

	<p>bargaining.</p> <p>Trade Unions (when present at enterprise):</p> <ul style="list-style-type: none"> – have the right for tripartite consultation on H&S on national level and sector level, – have the right for collective bargaining (including H&S issues) on enterprise and sector level, – have the right for inspection on H&S at the workplace and the right to stop with immediate effect danger work, – employer can issue H&S rules only under agreement with trade union, – entitled to propose workers' H&S reps and H&S committee members for designation, – have all the same entitlements as workers' H&S reps.
Worker representation bodies on H&S at work	
<i>Implementation of worker representation in H&S on enterprise level</i>	All workers, regardless of trade union membership or not.
<i>Thresholds of implementation</i>	<p>Legally, there is no threshold for implementation of H&S Reps. As such, even a enterprise with one worker should designate him/her as H&S Rep (not used in practice). In general,</p> <p>H&S representative</p> <ul style="list-style-type: none"> – one workers' H&S Rep shall represent maximum 50 employees (in sectors of economy with higher risk, e.g. industry, agriculture, construction) and maximum 100 employees (in other sectors, e.g. financial, administrative). <p>The H&S Committee (Commission for safety and health protection at work)</p> <ul style="list-style-type: none"> – shall be created at enterprises with more than 100 employees. <p>The Works Council (not very widespread in Slovak Republic):</p> <ul style="list-style-type: none"> – have the right for consultation on H&S on enterprise level, – have all the same entitlements as workers' H&S reps – is set up as from 50 employees <p>Works Trustee (not very widespread in Slovak Republic)</p> <ul style="list-style-type: none"> - in enterprises with more than 3 and less than 50 employees, - has the right for consultation on H&S on enterprise level and the same entitlements as workers' H&S reps (mentioned above), - cannot operate at the same time with works council, - can be present together with trade union at enterprises with less than 50 workers.
<i>Role of the trade unions</i>	<p>Trade Union federations have professional H&S experts. Moreover, the Trade Union Confederation of Slovak Republic has a dedicated H&S department. Usually trade unions are organized on the base of Elementary bodies. These bodies are affiliated in federations (e.g. KOVO – metal and machinery workers federation), which are affiliated to the Trade Union Confederation. Members of Governing Board of Elementary Body are elected amongst shop stewards. The governing board usually has a member focused on H&S issues.</p> <p>In particular, the trade union body has the right:</p> <ol style="list-style-type: none"> a) to inspect how the employer performs his/her obligations with regard to care of occupational health and safety, and whether he/she systematically creates conditions for work that is non-damaging to safety and to health, to regularly examine the employer's workplaces and facilities for employees and to check the employer's management of personal protective work tools, b) to inspect whether an employer properly investigates the causes of occupational accidents, and to participate in the ascertaining of causes of occupational accidents and occupational diseases, or to investigate such by itself, c) to request the employer to correct deficiencies in operations, machinery and equipment or in working procedures, and to stop work if there is a imminent grave threat to the life or health of persons in the area or in the employer's work place with their knowledge, d) to inform an employer on overtime work and work at night that would threaten the occupational health and safety of employees,

	e) to participate in negotiations on matters of occupational health and safety, f) give proposals for designation of workers' H&S Reps and members of H&S Committee on behalf of workers.	
Composition, mode of nomination or election of members	The employee safety representative is designated by employer on trade union proposal (if present at enterprise) or on the base of election of all employees (if trade union is not present). Generally one representative is designated for maximum 50 employees. A Commission for safety and health protection at work (H&S Committee) is mandatory at enterprises with more than 100 employees and is composed of (mainly) employee representatives and representatives of the employer. It needs to take meeting at least once a year.	
Area of competencies	Occupational health and safety is defined as working conditions which eliminate or minimise the effects of dangerous and harmful agents in the working process and working environment on the health of an employee. Trade Unions have competencies in all fields of H&S issues (when present at enterprise): <ul style="list-style-type: none">- to participate on investigation or investigate work related accidents and diseases,- to carry out inspection at the workplace,- to request the employer to correct deficiencies,- to invite official authorities (labour inspection) to the workplace and to refer them about problems,- to participate on issuing employer's H&S rules,- to take part on Risk Assessment,- to discuss personal protective equipment,- to give proposals for improving provisions,- to cooperate with protective services.	
Functions	Inform / Consult / advice <ul style="list-style-type: none">- negotiate (through collective bargaining there is a possibility to achieve higher level of involvement in H&S issues than given by law),- consultation with official authorities and independent experts (under approval of employer when expert is invited to the workplace)	
Rights of workers' representatives on H&S		
Right of withdrawal, of production stop in case of immediate danger	Yes	
	If there is an imminent grave threat to life or health, the trade union body can request that work be suspended and inform a competent body of the labour inspectorate (or of the state mining authority) of this request. Every employee has also the right to refuse to perform work, or leave the workplace and go to a safe place in the event that he/she reasonably presumes that his/her life or health, or the life or health of other persons is under immediate and serious threat.	
Right to conduct surveys	Yes	
	Where a trade union organisation is active, the trade union body has the right to carry out inspections on the state of occupational health and safety. The trade union body must prepare a report on the deficiencies identified. Expenses incurred in the execution of inspections over occupational safety and health are borne by the state.	
Right to require external assessments	Yes	
	Trade union organisations and other bodies representing employees control the employer's discharge of duties in the field of safety and health protection at work. They may establish their own control systems for this purpose. As such, the National Labour inspectorate can be addressed.	
Right to lodge an appeal	No	
Right to receive training	Yes	
	An employer shall provide time off from for employees' representatives' participation in education	
	Amount of training	Legal requirement is that employer shall ensure proper training for workers' H&S Reps. It happens usually after the designation.

	<i>Frequency of training</i>	Frequency is not defined by law.
	<i>Training providers</i>	Training provided in accordance with the law is ensured by the employer (employer's selector or a contracted specialized organization with an education and training licence issued by the National Labour Inspectorate). Trade unions provide their own training (participation and conditions are agreed in collective agreement)
<i>Allocated time during working hours to conduct their role</i>	Yes An employer shall provide time off from work for performance of the position of employees' representatives	
<i>Protection against sanctions, dismissals in the frame of their mandate</i>	Yes Protection is ensured by law, where is provision that employees' representatives may not be, in the fulfilment of tasks resulting from their position, disadvantaged or otherwise sanctioned by the employer. This is valid during their term in office and for six months after its termination.	
Link and the nature of the relations between the employee representatives and the trade unions	The link can depend on the attitude of trade union. Usually trade union gives propose employee safety representatives which are members of union. Trade union also provides employee safety representatives with training, help in solving problems and cooperation in any possible way.	

PART 3 – ASSESSMENT OF THE SOCIAL DIALOGUE AND WORKERS' PARTICIPATION IN THE COUNTRY

Evolution

Significant changes within the various instruments on H&S issues during the last 5 years	Yes	
	<i>Objectives of these changes</i>	Reconditioning Stays, provided by employer, in the interests of preventing the occurrence of occupational diseases where shortened from two to one week as from January 2012.
	<i>Management of these changes</i>	Legal provision has been changed under decision of parliament on governmental proposal.
	<i>Effects on the improvement or deterioration of the handling of these issues</i>	Deteriorated condition for health protection of workers working with danger agents.
Assessment of the achievements on H&S issues through social dialogue	Stable	
	<i>Some important milestones</i>	N/A

Perspectives to achieve a good social dialogue and workers' participation on H&S issues

Missing factors	<ul style="list-style-type: none"> – better political will, – recognition from employers that is not possible to achieve better result in H&S without workers involvement.
Existing key success factors	<ul style="list-style-type: none"> – Requirements from EU level and especially existing EU directives on H&S, – Participation of TU at creation of legal framework for H&S on tripartite level, – Cooperation with political parties oriented to protection of working people.

PART 4 – APPENDICES

Glossary

BOZP (Bezpečnosť a ochrana zdravia pri práci)	<i>Health & Safety</i>
ZZ pre BOZP (Zástupca zamestnancov pre BOZP)	<i>Employee H&S Representative</i>

Interesting links

<i>Ministry of Labour, Social Affairs and Family (www.employment.gov.sk)</i>

Sources

Trade union contacts	KOZ SR (www.kozsr.sk)	Bohuslav Bendík (bendik@kozsr.sk)
	OZ KOVO (www.ozkovo.sk)	Tažik Alexander (ATazik@sk.uss.com)
Other	<ul style="list-style-type: none"> - http://www.worker-participation.eu - Questionnaire reply - Eurofound - EU OSHA - The Labour Code - The Occupational Safety and Health Protection Act - The Labour Inspection Act 	